

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
D E P A R T M E N T O F H E A L T H

*Safe and Healthy Lives in Safe and Healthy Communities*

STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS,  
DEPARTMENT OF HEALTH,  
BOARD OF MEDICAL LICENSURE  
AND DISCIPLINE

In the matter of:  
John D. Pitts, M.D.

C96-245

ADMINISTRATIVE ORDER

This matter came on for hearing before the Board of Medical Licensure and Discipline (hereinafter, "Board") pursuant to the request of John D. Pitts (hereinafter, "Respondent") for reinstatement of his medical license which was voluntarily surrendered to the Board on 29 November 1995. The Board issued a Specification of Charges denying Respondent's request on the basis of chronic alcoholism. Following hearing, the Board noted the following:

FACTS AND FINDINGS

The pertinent facts are as follows: On or about 13 October 1995, the Respondent entered into a Consent Order (C95-268) with the Board wherein he accepted sanctions imposed by the Board in the form of a reprimand against his license and a monetary fine. That Consent Order arose out of an

incident in which the Respondent was charged by the Little Compton Police with driving under the influence of controlled substances and alcohol. The Board's investigation revealed that the Respondent had a history of driving while under the influence of alcohol dating from at least May of 1994 and including two instances wherein he failed aspects of police administered field sobriety tests in July, 1995. The history also indicated that the Respondent's surgical privileges at a local hospital had been curtailed due to the Respondent's dependence upon controlled substances and alcoholism. The Consent Order required, among other things, that the Respondent abstain totally from the use of alcohol and drugs, unless the latter were prescribed by a physician licensed to practice medicine.

On or about November 1, 1995, the Respondent was cited by the Little Compton Police for driving left of center and for his refusal to submit to a chemical breath test. On that date, he failed a field sobriety test administered by the Little Compton Police. As a result of the November 1, 1995 incident, the Respondent entered into a Consent Order (C95-342) wherein on 29 November 1995, he voluntarily surrendered his medical license to the Board and accepted the following terms and conditions: "that he be permitted to reapply for his medical license only upon successful completion of in-patient evaluation and treatment for substance abuse; satisfactory indication to the Board of an

understanding of and willingness to adhere to the prescribed regimen for aftercare; that he enter into a contract with the Rhode Island Medical Society's Physician Health Committee with monitoring for a probationary period of five (5) years; that he attend Alcoholics Anonymous (AA) meetings as directed by the Physician's Health Committee no less than three times per week; that he submit to random alcohol and drugs screens at least once per week; and that he abstain totally from the use of alcohol and/or drugs.

The parties stipulated to entry on the record of 14 exhibits, including the two Consent Orders referenced above. The only witness testimony was that of the Respondent.

The witness testimony and exhibits revealed that the Respondent was admitted to McLean Hospital Alcohol and Drug Abuse Treatment Center on December 27, 1995 and continued in treatment there through January, 1996 when his financial situation caused him to seek alternative treatment. He was referred by personnel at McLean Hospital to Brattleboro Retreat, an alcoholic and psychiatric treatment center. The Respondent was an inpatient there from 25 March 1996 until 20 April 1996, at which time he was discharged. The Brattleboro Retreat Report indicates that the Respondent was an active participant in the program who verbalized a strong commitment to sobriety, AA and use of a sponsor.

The Respondent testified that he has been alcohol and drug free since November of 1995 and has been faithfully

Results of neurological testing conducted at McLean Hospital reveal no deficit which would prevent the Respondent from resuming the practice of medicine.

Based upon the foregoing, the Board makes the following

CONCLUSIONS AND ORDER

1) That the Respondent has complied with the terms and conditions required by his Consent Order dated 29 November 1995;

2) That the Respondent's medical license may be and hereby is reinstated upon the following conditions and with the following restrictions:

a) That the Respondent's medical practice shall be limited to outpatient ambulatory care or walk-in setting, so called, and said practice shall be in conjunction with other medical doctors and not alone, that is, not in private practice. This restriction does not require that another medical doctor be on duty with the Respondent at all times, but rather that the Respondent's practice be in association with other medical doctors; Respondent shall not be permitted to work "on call", that is, Respondent's medical care responsibilities will cease with the end of his shift and will not be able to work after the hours of the medical care facility.

facility.

b) That the Respondent forthwith enroll in and successfully complete an educational course in Primary Medicine, which course must be pre-approved by the Board;

c) That the Respondent enter into a contract with the Physician's Health Committee of the Rhode Island Medical Society for the purpose of monitoring his alcohol and drug problems;

d) That the Respondent abstain from use of any alcohol or drugs except as may be validly prescribed by his treating physician;

e) That the Respondent attend Alcoholics Anonymous (AA) meetings at least three (3) times weekly and provide signed proof (by the AA's official representative) of participation as periodically requested;

f) That the Respondent permit periodic unannounced reviews by designees of the Board of the Respondent's patient records;

g) That the Respondent submit to random drug and alcohol urine, chemical and/or blood tests as requested, at least once per week;

h) That the Respondent serve a five (5) year period of probation during which time his practice shall be monitored and reviewed by the Board to determine

the Respondent's continuing ability to engage in the practice of medicine.

i) That any violation of the above restrictions and conditions of licensure shall subject the Respondent to a disciplinary action for revocation of his license.

Signed this 11th day of October, 1996

Robert Leonard 10/11/96

Robert Leonard, D.O.

Sabra Orton

Sabra Orton

Trina Barnes 10/10/96

Trina Barnes

Patricia H. Nolan, MD, MPH

Patricia Nolan, MD, MPH

Director of Health

19 October 1996

Date

The parties have thirty days within which to file an appeal in the Superior Court.

CERTIFICATION

I hereby certify that a copy of the within ORDER was sent  
to Michael DeFanti, Esq., 1500 Fleet Center, Providence, RI  
02903 on this 21<sup>st</sup> day of October, 1996.

Bruce McIntyre